

property by Rarity Communities and its land owners.

- To minimize pollutant loading and prevent spilling fuel or wastewater, any fuel storage or dispensing facility located temporarily or permanently on development project property will comply with TVA Resource Stewardship (TVARS) Guidelines for Storage Tanks (4.5.5), including the preparation and implementation of a Spill Prevention and Control Plan. A marina sewage pump out station will be installed and operated according to TVARS Guidelines 4.5.3, and the marina will comply with TVARS Guidelines for Discharges (4.5.1) (See Appendix F of the Final EIS).

- Rarity Communities will construct a trail terminal on TVA Parcel 6 (Parcel 6A), consisting of a paved access road, paved parking lot for approximately 18 vehicles, walkways, 6 picnic sites, and restroom in accordance with TVA design specifications described Figure G-2 in Appendix G, and permit public ingress/egress across Rarity Pointe property to access the proposed greenway trail system on TVA's adjoining upstream and downstream property.

- TVA's deed transferring title of the approximately 116 acres to Rarity Communities will state that residential access for individual water use facilities will not be considered anytime in the future by TVA and that individual water use facilities are prohibited.

- To prevent an increase in future flood damages:

A. Rarity Communities and the operator of the marina will securely anchor all floating facilities to prevent them from floating free during major floods.

B. Any future facilities or equipment subject to flood damage would be located above the TVA Flood Risk Profile elevation of 817.0 feet MSL.

C. Any future development proposed within the limits of the 100-year floodplain, elevation 816.2 feet MSL, would be consistent with the requirements of Executive Order 11988.

D. All future development would be consistent with the requirements of TVA's Flood Control Storage Loss Guideline.

- TVA Cultural Resources will review the proposed dredge site area during low winter pool, prior to any disturbance, to verify the results of a previous archeological survey.

As appropriate, these commitments will be implemented through the documents transferring title to the TVA property, conveying easement rights, and/or TVA's approval of development project elements under section 26a of

the TVA Act and TVA will remain responsible for enforcing compliance.

Dated: September 4, 2003.

**Kathryn J. Jackson,**

*Executive Vice President, River System Operations & Environment.*

[FR Doc. 03-22989 Filed 9-9-03; 8:45 am]

**BILLING CODE 8120-08-P**

## DEPARTMENT OF TRANSPORTATION

### Office of the Secretary

#### Application of Primaris Airlines, Inc. for Certificate Authority

**AGENCY:** Department of Transportation.

**ACTION:** Notice of order to show cause (Order 2003-9-1), Dockets OST-2003-14773 and OST-2003-14774.

**SUMMARY:** The Department of Transportation is directing all interested persons to show cause why it should not issue an order finding Primaris Airlines, Inc., fit, willing, and able, and awarding it certificates of public convenience and necessity to engage in interstate and foreign scheduled passenger air transportation of persons, property and mail.

**DATES:** Persons wishing to file objections should do so no later than September 18, 2003.

**ADDRESSES:** Objections and answers to objections should be filed in Dockets OST-2003-14773 and OST-2003-14774 and addressed to the Department of Transportation Dockets (SVC-124.1, Room PL-401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, and should be served upon the parties listed in Attachment A to the order.

**FOR FURTHER INFORMATION CONTACT:** Ms. Delores King, Air Carrier Fitness Division (X-56, Room 6401), U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366-2343.

Dated: September 4, 2003.

**Michael W. Reynolds,**

*Acting Assistant Secretary for Aviation and International Affairs.*

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**BILLING CODE 4910-62-P**

## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

#### Aviation Rulemaking Advisory Committee; General Aviation Certification and Operations Issues

**AGENCY:** Federal Aviation Administration (FAA), DOT.

**ACTION:** Notice; assignment of new tasks to the Aviation Rulemaking Advisory Committee (ARAC) and withdrawal of prior tasks.

**SUMMARY:** This notice announces the withdrawal of four prior ARAC tasks, and describes two new tasks assigned to and accepted by the ARAC. This notice informs the public of the ARAC activities and invites public participation in the ARAC working groups.

**FOR FURTHER INFORMATION CONTACT:** Mr. David Showers, Manager, Standards Office, 901 Locust, Kansas City, Missouri 64106, (816) 329-4110, [david.r.showers@faa.gov](mailto:david.r.showers@faa.gov).

#### SUPPLEMENTARY INFORMATION:

##### Background

The FAA set up the Aviation Rulemaking Advisory Committee (ARAC) to give recommendations to the FAA Administrator on aviation-related rulemakings. The Secretary of Transportation determined the formation and use of the ARAC are necessary and in the public interest in performing duties imposed on the FAA by law.

In 1992, the JAA and the FAA committed to harmonizing, where proper and to the maximum extent possible, the FAR (Federal Aviation Regulations) and JAR (Joint Aviation Requirements) rules and associated materials. However, since the new ARAC tasks will not result in a change to the FAR (*i.e.*, 14 CFR part 23) or the associated guidance material, formal harmonization with the JAR is not planned. The FAA will share the ARAC's recommendations and the FAA's actions on them with the JAA. Although the FAA is not currently planning rulemaking action as a result of these tasks, if such action is proper in the future, harmonization with the JAR will be undertaken.

##### New Tasks

The FAA assigned and the ARAC accepted the two tasks described in this section. Each task is to be done in two phases.

**Task I:** Develop safety standards suitable for all jet and high-performance airplanes up to 19,000 pounds, including those in the commuter category.

This task is intended to create safety standards that would be available to address future part 23 jets and high-performance airplane configurations. It would provide industry with a better understanding of potential requirements before committing to a project involving

these airplanes. The safety standards would include performance, systems, occupant protection, and other issues for jets and high-performance part 23 airplanes.

#### *Task I: Phase 1*

1. Define "high performance" as it relates to high-performance airplanes; and
2. Review 14 CFR part 23 as a benchmark and identify safety concerns that are not currently addressed for jet and high-performance part 23 airplanes. Give particular attention to commuter and other part 23 airplanes used in part 135 service.
3. As part of the evaluations, consider the following:
  - Systems issues such as stick pushers and integrated flight controls
  - Structures issues such as mach effects (compressibility) and bird strike
  - Powerplant location issues
  - Aircraft performance issues such as accelerate-stop distance, single-engine climb, mach buffet, stall speed
  - Cabin safety issues, including Occupant Protection for Commuter Category Airplane Crashworthiness (Dynamic Seats), Fireblocking Provisions, Thermal/Acoustic Insulation
  - Cockpit display issues (multifunction displays, primary flight displays)

#### *Schedule Task I: Phase 1*

The ARAC should complete phase 1 of task I and forward their recommendations to the FAA by March 10, 2004.

#### *Task I: Phase 2*

1. Recommend safety standards to address the safety concerns identified in phase 1 of task I, unless the project is withdrawn or changed by the FAA.

#### *Schedule Task I: Phase 2*

The ARAC should complete this task and forward their recommendations to the FAA by September 12, 2005.

*Task II:* Develop safety standards suitable for emerging propulsion-type technologies related to installing reciprocating engines in part 23 airplanes.

Task II would create safety standards that would be available to address installing equipment associated with known emerging propulsion-type technologies on part 23 airplanes. These standards would address technologies such as diesel engines, electronic engine and propeller controls, electronic engine displays, and so forth. They would give industry information on the possible safety requirements in these areas before they committed resources to a related project.

#### *Task II: Phase 1*

1. Review 14 CFR part 23 as a benchmark and identify safety concerns that are not currently addressed for emerging propulsion-type technologies related to the installation of reciprocating engines in part 23 airplanes.
2. As part of the evaluations, consider the following:
  - Single lever power control (SLP)
  - Electronic engine control (EEC) and propeller controls
  - Fuel quantity calibration and low-fuel warning systems
  - Diesel engine installations, which include consideration of the way fuels are addressed in part 23
  - Electronic engine displays
  - Other technologies the Committee finds suitable

#### *Schedule for Task II: Phase 1*

The ARAC should complete phase 1 of task II and forward their recommendations to the FAA by March 10, 2004.

#### *Task II: Phase 2*

1. Recommend safety standards to address the safety concerns identified in phase 1 of task II, unless the project is withdrawn or changed by the FAA.

#### *Schedule for Task II: Phase 2*

The ARAC should complete phase 2 of task II and forward their recommendations to the FAA by September 12, 2005.

#### **ARAC Acceptance of Tasks**

The ARAC accepted the tasks and has agreed to the schedules for completing the tasks. The Committee will assign the tasks to the newly formed working groups under General Aviation Certification and Operations Issues.

#### **Working Group Activity**

The working group will serve as staff to ARAC and help in the analysis of the assigned tasks. ARAC must review and approve the working groups' recommendations. If ARAC accepts the working groups' recommendations, they will forward them to the FAA as ARAC recommendations.

The Part 23 Jet and High-Performance Airplane Safety Standards Working Group and the Part 23 Emerging Propulsion-type Technologies Working Group are expected to comply with the procedures adopted by ARAC. As part of the procedures, the working groups are expected to:

1. Recommend a work plan for completion of the task, including the rationale supporting such a plan for consideration at the next meeting of the

ARAC on General Aviation Certification and Operations issues held following publication of this notice.

2. Give a detailed conceptual presentation of the proposed recommendations before proceeding with the work stated in item 3 below.
3. Draft the appropriate documents, required analyses, and any other related materials or documents.
4. Provide a status report at each meeting of the ARAC held to consider general aviation certification and operations issues.

#### **Participation in the Working Group**

Each working group will be composed of technical experts with an interest in the assigned task. Working group participants should be prepared to devote a significant portion of their time and resources to the ARAC task. A working group member need not be a representative or a member of the ARAC. Individuals who want to become a member of one of the working groups should contact the person listed under the **FOR FURTHER INFORMATION CONTACT** section of this notice. They should describe their interest in the task, and state the expertise they would bring to the working group. All requests to take part in these tasks must be received by October 10, 2003. The co-assistant chairs, the co-assistant executive directors, and the working group chair will review all requests and advise which requests they can grant.

Individuals chosen for membership in a working group are expected to represent their part of the aviation community and actively participate in the working group (e.g., attend all meetings, provide written comments when requested, etc.). In addition, they are expected to keep their management chain and those they may represent advised of working group activities and decisions to ensure that the proposed technical solutions do not conflict with their sponsoring organization's position.

Once the working group has begun deliberations, members will not be added or substituted without the approval of the co-assistant chair, the co-assistant executive director, and the working group chair.

Meetings of the ARAC will be open to the public. Meetings of the working groups will not be open to the public, except those individuals selected as working group members. The FAA will make no public announcement of working group meetings.

#### **Withdrawn Tasks**

This notice also announces the withdrawal of four prior tasks assigned to the ARAC. Two of these tasks were

published on March 21, 2001 (66 FR 14427; 66 FR 14428), one on June 6, 2001 (66 FR 30500), and one on August 22, 2001 (66 FR 44201).

A description of the withdrawn tasks follows.

#### *Occupant Protection and Safety Standards*

The FAA tasked the ARAC to review occupant protection standards to address criteria for improved occupant protection commonly used on part 23 airplanes, and develop requirements to improve the safety of part 23 airplanes. The ARAC's recommendations were to include an assessment of—

1. Flammability Standards for Seat Fireblocking Provisions;
2. Standardization of Emergency Landing Dynamic Conditions;
3. Thermal/Acoustic Insulation Flammability;
4. Airworthiness Certification of Airplanes Used in Cargo/Passenger Combination Operations;
5. Emergency Exit Markings;
6. Emergency Exit Access; and
7. Electric Cables and Equipment.

To consolidate FAA and industry resources, the FAA withdraws this task and includes it in new Task I described in this notice. Although the entire withdrawn task is not included in the new task, the FAA has determined that the intended results from the withdrawn task will be accomplished with new Task I.

#### *Propulsion Certification Requirements*

The FAA tasked ARAC to review part 23 standards to evaluate criteria for propulsion technologies used on part 23 airplanes and requirements that would improve the safety of part 23 airplanes. The ARAC recommendations were to include an evaluation of—

1. Turbofan/jet installations;
2. Single level power controls;
3. Electronic engine controls;
4. Fuel quantity calibration and low fuel warning for reciprocating engines;
5. New technology reciprocating engines (for example, diesel engines);
6. New technology powerplant displays; and
7. Various miscellaneous updates to part 23 powerplant requirements.

To consolidate FAA and industry resources, the FAA withdraws this task and incorporates it in new Task II described in this notice.

#### *Static Directional and Lateral Stability*

The FAA tasked the ARAC to review § 23.177 and JAR 23 and make recommendations on harmonized changes to § 23.177 for demonstrating positive dihedral effect in all landing

gear and flap positions that would improve the safety of part 23 airplanes. The ARAC's recommendations were to include a draft notice of proposed rulemaking with preamble language, rule language, and any supporting legal analysis.

#### *Miscellaneous Systems Standards*

The FAA tasked the ARAC with evaluating the requirements for systems in the following CFR sections and make recommendations to address systems safety that would improve the safety of part 23 airplanes:

1. Revise § 23.735 to clarify the requirement for operation of brakes after a single failure in the braking system in commuter category airplanes.
2. Revise § 23.1301 by deleting paragraph (d); revise § 23.1309 to include warning requirements, probability values, and failure conditions applicable to powerplant systems; make warning requirements compatible with other regulations; delete paragraphs (c) and (d).
3. Add a new § 23.1310, Power Source Capacity and Distribution, from existing paragraphs 23.1309(c) and (d).
4. Revise § 23.1311 to address redundancy requirements for primary flight instruments; define "indicator," the sensory cue requirements in paragraph (a)(6); delete the redundancy requirement in paragraph (b).
5. Review and revise §§ 23.1326(b)(1) and 23.1322 to require the amber light to be illuminated when the pitot tube heater is "off."
6. Review and revise § 23.1311 to call out required flight instruments as indicated in §§ 23.1303 and 91.205.

The FAA withdraws these tasks to free-up resources that will allow the FAA and industry to focus on other priorities. Withdrawal of these tasks does not prohibit the FAA from issuing future notices on these subject matters or committing the agency to a future course of action.

Issued in Washington, DC, on September 5, 2003.

**Tony F. Fazio,**

*Executive Director, Aviation Rulemaking Advisory Committee.*

[FR Doc. 03-23022 Filed 9-9-03; 8:45 am]

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## **DEPARTMENT OF TRANSPORTATION**

### **Federal Highway Administration**

#### **Environmental Assessment or Environmental Impact Statement: Warren County, KY**

**AGENCY:** Federal Highway Administration, DOT.

**ACTION:** Notice of intent.

**SUMMARY:** The FWA is issuing this notice to advise the public that an Environmental Assessment (EA) or Environmental Impact Statement (EIS) will be prepared for the proposed construction of a highway on new alignment from I-65 west to US 31W in northern Warren County, Kentucky.

**FOR FURTHER INFORMATION CONTACT:** Robert Farley, Area Engineer, Federal Highway Administration, John C. Watts Federal Building and U.S. Courthouse, 330 W. Broadway, Frankfort, Kentucky 40601. Telephone 502-223-6744, Fax 502-223-6735.

**SUPPLEMENTARY INFORMATION:** The FHWA in cooperation with the Kentucky Transportation Cabinet (KYTC) will prepare an EA or EIS for the construction of a highway on new alignment from I-65 west to US 31W in the vicinity of the Kentucky TriModal Transpark (KTT). The EA or EIS will complement previous studies conducted by KYTC and the local Intermodal Transpark Authority (ITA) for the KTT development area and will detail environmental, social, and economic impacts associated with the proposed action.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies. A series of public meetings and a public hearing will be held while preparing this EA or EIS. Public notice will be given of the time and place of the meetings and hearing. The EA or draft EIS will be available for public and agency reviews and comment prior to the public hearing.

The public meetings and hearing will also be a forum for public consultation and involvement on issues associated with the National Historic Preservation Act (Section 106) when appropriate. Interested persons, groups, or parties who wish to be consulting parties under Section 106 for this project should submit a written request to the KYTC Bowling Green District Office, Attn: Kenneth Cox, Project Manager, 900 Morgantown Road, Bowling Green, Kentucky 42102. Telephone 270-746-7898, Fax 270-746-7643.

To ensure the full range of issues related to the proposed action is addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning the proposed action and the EA or EIS may also be directed to the KYTC District Office or FHWA at the addresses provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning